

**STATEMENT OF DANIEL N. WENK, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, CONCERNING S. 800, TO ESTABLISH THE NIAGARA FALLS NATIONAL HERITAGE AREA IN THE STATE OF NEW YORK AND FOR OTHER PURPOSES.**

**May 15, 2007**

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Mr. Chairman, thank you for the opportunity to appear before your committee to present the views of the Department of the Interior on S. 800, a bill to establish the Niagara Falls National Heritage Area in the State of New York.

While a feasibility study has found the Niagara Falls region appropriate for designation, we recommend that the committee defer action on S. 800 and all other proposed heritage area designations until program legislation is enacted that establishes guidelines and a process for the designation of national heritage areas. Last year, the Administration sent to Congress a legislative proposal to establish such guidelines and a process for designation. Bills were introduced in the 109th Congress (S. 243, H.R. 760 and H.R. 6287) that incorporated the majority of the provisions of the Administration's proposal, and S. 243 passed the Senate. During the 110th Congress, a similar heritage area program bill, S. 278, has been introduced, and we look forward to continuing to work with Congress on this very important issue.

With 37 national heritage areas designated across 27 states, and more heritage area legislative proposals in the pipeline, the Administration believes it is critical at this juncture for Congress to enact national heritage area program legislation. This legislation would provide a much-needed

framework for evaluating proposed national heritage areas, offering guidelines for successful planning and management, clarifying the roles and responsibilities of all parties, and standardizing timeframes and funding for designated areas. Program legislation also would clarify the expectation that heritage areas would work toward self-sufficiency by outlining the necessary steps, including appropriate planning, to achieve that shared goal.

In 2006, the National Park Service completed a national heritage area feasibility study of the Niagara Falls region pursuant to Public Law 107-256, the “Niagara Falls National Heritage Area Study Act.” The study concluded that the region met all of the criteria for designation as a national heritage area including the existence of significant levels of public support and local commitments necessary for successful planning and implementation of a heritage area.

The Niagara River flows for 35 miles between Lake Erie and Lake Ontario and includes the rapids, Niagara Falls, and the Niagara River Gorge. Eight parks operated by the State of New York are located along the river and within the gorge. The river forms a boundary between the United States and Canada.

Niagara Falls is an internationally significant natural resource that attracts from 8 to 10 million visitors a year. It is one of the most well-known destination attractions in the United States and Canada. The Niagara River Gorge is an exceptionally scenic corridor, carved by the movement of the falls from its original location near Lewiston, New York (10,000 to 15,000 years ago) to its present location 10 miles upstream at the City of Niagara Falls. Besides its scenic values, the

gorge has been cited as a world-class location of fossils from the Upper Ordovician and Silurian periods.

The Niagara River region contains a wide variety of flora and fauna. Recent inventories identified 1,623 plant species including unique miniature old growth eastern white cedars. Fauna inventories also include 50 mammal species, 17 amphibian species, 99 fish species, and 17 species of reptiles. Bird inventories identify 342 species including 19 separate species of gulls. One-day counts of gull populations have reached over 100,000 individuals. In recognition of this critical habitat, the National Audubon Society has designated the Niagara River as a Globally Important Bird Area.

The region is also rich in cultural resources related to the history of the United States and Canada. It has significant associations with Native American habitation and early European contact, the French and Indian War, the American Revolution, and the War of 1812. It was also a major link in the Underground Railroad for African Americans escaping slavery to enter Canada. The existence of ample water made it an early site for hydroelectric power and it remains an important source to this day.

Three National Historic Landmarks have been designated along the Niagara River. The Adams Power Transformer House, built in 1895, is the only surviving structure of a hydroelectric facility that has been called “the birthplace of the modern hydroelectric power station.” The Niagara Reservation, which includes the American Falls, was the first state park in the nation created under eminent domain and originally designed by Frederick Law Olmsted. The Colonial

Niagara Historic District, within the communities of Lewiston and Youngstown, was a key portage route linking interior North America and the Atlantic seaboard until the late 1700s. It also contains extant resources associated with Native American occupation and early European contact. Historic Fort Niagara on the shore of Lake Ontario is an important component of the district. Within the City of Niagara Falls and the communities of Lewiston and Youngstown, there are 14 sites listed on the National Register of Historic Places.

Despite the richness of the natural and cultural resources in the area, there is widespread belief that the United States side of the falls has never fully achieved its tremendous potential for visitors and for the local communities. A heritage partnership framework has been advocated as a way for the many partners in the region to protect its precious resources and further the contribution of the Niagara Falls region to the United States and to the people of New York. We have found considerable support for this proposal during the feasibility study.

S. 800 provides for the establishment of a limited term (5-year) federal commission to undertake the heritage management plan and to identify a successor local coordinating entity representing the varied interests of the region. It includes the opportunity for a limited number of heritage area related resources, outside of the designated heritage area boundary, to participate in heritage area programs if they are identified as eligible through the heritage area management planning process. These provisions are consistent with the preferred alternative of the National Park Service national heritage area feasibility study.

Mr. Chairman, while the proposed Niagara Falls National Heritage Area contains significant natural and cultural resources and meets the established criteria for congressional designation, we would again request that the committee defer action until national heritage area program legislation is enacted. However, if the committee chooses to move ahead with this bill, the Department would like to work with them to make some technical corrections to the bill. In addition, the Department would recommend that the bill be amended to include an additional requirement for an evaluation to be conducted by the Secretary, three years prior to the cessation of federal funding under this act. The evaluation would examine the accomplishments of the heritage area in meeting the goals of the management plan; analyze the leveraging and impact of investments to the heritage area; identify the critical components of the management structure and sustainability of the heritage area; and recommend what future role, if any, the National Park Service should have with respect to the heritage area.

We are also advised by the Department of Justice that the restrictions placed on the Secretary's authority to appoint the members of the Niagara Falls National Heritage Area Commission raise constitutional concerns. We, along with the Department of Justice, would like to work with the committee to address these concerns.

Thank you for the opportunity to comment. This concludes my prepared remarks. I would be glad to answer any questions that you or the members of the committee may have.